



Brian Schelling
U.S. Department of Education
400 Maryland Ave. SW, Room 2C188,
Washington, DC 20202

Docket ID: ED-2021-OPE-0077

Dear Mr. Schelling,

Thank you for the opportunity to comment on the Department of Education's (ED) intent to establish a negotiated rulemaking committee on the 90/10 rule and other matters impacting programs under Title IV of the Higher Education Act of 1965.

Higher Learning Advocates (HLA) is a nonprofit advocacy organization working to shift federal policy from higher education to higher learning. We focus on improving education and training beyond high school that leads to a degree, credential, or employment. As this demographic continues to shift toward a more diverse student population, we strive to strengthen the connection between federal policy and the needs of today's students, employers, and communities.

During this forthcoming negotiated rulemaking effort, we urge ED to keep today's students front and center throughout the process. Today's students are more diverse than those of previous generations—34 percent are older than 25, 22 percent are parents, and 56 percent are first-generation—and enroll in postsecondary education at a variety of types of institutions, from four-year universities to community colleges and for-profit institutions. But unfortunately, according to the National Center for Education Statistics, today's students, especially first-generation, low-income, parenting, women, adult students, and students of color, are likely to enroll in for-profit institutions with the least desirable outcomes.¹ The 90/10 rule exists to protect students and taxpayers and ensure that institutions do not improperly prioritize enrollment increases over the quality of their programs. It is imperative that the regulations that emerge from this negotiated rulemaking process continue to protect students.

Additionally, we encourage ED to add gainful employment to the list of issues that should be addressed during this or in future negotiated rulemaking sessions. As it stands, the current gainful employment regulations do not provide the necessary protection for students who are attending a program that does not provide a return on investment for both the students and the taxpayers. To strengthen the current gainful employment regulations, we recommend that the metric used to assess programs under any rule consist of loan repayment rates where programs are assessed on whether cohorts of graduates have a loan repayment rate of 35 percent and at least \$1 paid on loan principal over three years. We also urge ED to adopt a public reporting of

¹<https://nces.ed.gov/pubs2012/2012173.pdf>

earnings and debt by program so students have a clear understanding of how much debt must be taken on to complete a program and what earnings can be expected by a successful graduate that subsequently enters the workforce.

We look forward to keeping today's students protected and empowered through the regulations this process will produce. Please do not hesitate to reach out to me with any questions or comments you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie', with a long, horizontal flourish extending to the right.

Julie Peller
Executive Director
Higher Learning Advocates